

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DOMINIC BLACK,

Plaintiff,

v.

PENNSYLVANIA BOARD OF  
PROBATION AND PAROLE, et al.,

Defendants.

No. 1:20-CV-00938

(Chief Judge Brann)

(Magistrate Judge Carlson)

**ORDER**

**NOVEMBER 23, 2021**

Dominic Black, a Pennsylvania state prisoner, filed this civil rights complaint alleging that Defendants violated his rights by making adverse parole determinations in his underlying criminal case.<sup>1</sup> This Court previously adopted a Report and Recommendation issued by Magistrate Judge Martin C. Carlson and dismissed this case without prejudice because the Court had already considered, and rejected, Black's claims in an earlier habeas corpus petition.<sup>2</sup> The Court granted Black twenty days to file an amended complaint.<sup>3</sup>

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<sup>1</sup> Doc. 1.

<sup>2</sup> Docs. 11, 26.

<sup>3</sup> Doc. 26.

Black did not file a timely amended complaint but, instead, filed two motions to reopen the case, which the Court construes as motions for reconsideration.<sup>4</sup> In October 2021, Magistrate Judge Carlson issued a Report and Recommendation recommending that this Court deny Black’s motion for reconsideration and dismiss his complaint with prejudice for failure to file a timely amended complaint.<sup>5</sup> After receiving an extension of time from the Court, Black filed timely objections to that Report and Recommendation.<sup>6</sup>

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”<sup>7</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.<sup>8</sup> After reviewing the record, the Court finds no error in Magistrate Judge Carlson’s conclusions that Black’s motions for reconsideration are without

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<sup>4</sup> Docs. 29, 34.

<sup>5</sup> Doc. 30. Black’s second motion for reconsideration was filed after Magistrate Judge Carlson issued his Report and Recommendation. Doc. 34. Nevertheless, for the same reasons discussed in Magistrate Judge Carlson’s Report and Recommendation, Black’s second motion for reconsideration is without merit.

<sup>6</sup> Docs. 38, 39.

<sup>7</sup> *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

<sup>8</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

merit, and that Black's complaint should be dismissed with prejudice for failure to timely file an amended complaint. Accordingly, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson's Report and Recommendation (Doc. 30) is **ADOPTED**;
2. Black's motions to reopen/for reconsideration (Docs. 29, 34) are **DENIED**;
3. Black's complaint (Doc. 1) is **DISMISSED** with prejudice; and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge